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ORIGINAL

TELEPHONE: 504-830-4646  
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OUR FILE NO.

ORIGINAL  
FILE /

December 30, 1992

174-043

**HAND DELIVERED**

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20054

RECEIVED

DEC 30 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Table of Allotments  
FM Broadcast Stations  
Galliano, Louisiana and  
Buras/Triumph, Louisiana


**AMENDED AND RESTATED PETITION FOR RULEMAKING**

Dear Ms. Searcy:

Enclosed is an original and four (4) copies of Amended and Restated Petition for Rulemaking which we request that you accept for filing on behalf of our client, Callais Cablevision, Inc., licensee of Station KBAU(FM), Galliano, Louisiana.

Should the Commission have any questions, kindly direct them to the undersigned or Ashton R. Hardy of this office.

Sincerely,

  
Marjorie R. Esman

MRE/bgc  
Enclosures  
cc: Corey Callais, Public File

No. of Copies rec'd  
List A B C D E

044

Before the  
*Federal Communications Commission*  
Washington, D.C. 20554

RECEIVED

DEC 30 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of Amendment of  
Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
Galliano, Louisiana and  
Buras/Triumph, Louisiana

)  
)  
)  
)  
)

RM \_\_\_\_\_

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**AMENDED AND RESTATED**  
**PETITION FOR RULEMAKING**

Callais Cablevision, Inc. ("Callais"), licensee of Station KBAU(FM), Galliano, Louisiana, through counsel, files this Amended and Restated Petition for Rulemaking seeking to amend Section 73.202(b) of the Commission's Rules, to substitute Channel 232C2 for Channel 232C3 at Galliano, Louisiana, and to modify Callais' license for KBAU(FM) accordingly. In support, Callais shows the following:

On December 9, 1992, Callais filed a Petition for Rulemaking seeking the allocation of Channel 232C2 at Galliano, Louisiana. A copy of that Petition for Rulemaking is attached as Exhibit 1, and incorporated herein by reference.

That Petition for Rulemaking erroneously stated that KBAU(FM) is presently licensed on Channel 232A. In fact, however, KBAU(FM) is presently licensed on Channel 232C3. Callais therefore seeks to amend its Petition for Rulemaking to state that it seeks the substitution of Channel 232C2 for Channel 232C3. The remainder of the Petition for Rulemaking remains unchanged, and Callais hereby restates all of the contents of that Petition for Rulemaking.

In view of the above, Callais Cablevision, Inc. requests that this Amended and Restated Petition for Rulemaking be considered in place of the earlier Petition for Rulemaking, and that the Commission issue a Notice of Proposed Rulemaking proposing the Amendment of the FM Table of Allotments to substitute Channel 232C2 for Channel 232C3 at Galliano, Louisiana, and Channel 278A for Channel 231A at Buras/Triumph, Louisiana.



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Attorneys for Callais Cablevision,  
Inc.

Dated: December 30, 1992

## **EXHIBIT 1**

HARDY AND CAREY  
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METAIRIE, LOUISIANA 70005

ASHTON R. HARDY  
BRADFORD D. CAREY  
MARJORIE R. ESMAN

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Dec 9 '92

TELEPHONE: 504-830-4646  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE  
SECRETARY

December 9, 1992

174-043

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Ms. Donna R. Searcy  
Secretary  
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1919 M Street, N.W.  
Washington, D.C. 20054

Re: Table of Allotments  
FM Broadcast Stations  
Galliano, Louisiana and  
Buras/Triumph, Louisiana

**PETITION FOR RULEMAKING**

Dear Ms. Searcy:

Enclosed is an original and four (4) copies of Petition for Rulemaking which we request that you accept for filing on behalf of our client, Callais Cablevision, Inc., licensee of Station KBAU(FM), Galliano, Louisiana.

Should the Commission have any questions, kindly direct them to the undersigned or Ashton R. Hardy of this office.

Sincerely,



Marjorie R. Esman

MRE/bgc  
Enclosures  
cc: Corey Callais, Public File

EXHIBIT

1

Before the  
*Federal Communications Commission*  
Washington, D.C. 20554

In the Matter of Amendment of                    )  
Section 73.202(b)                                    )  
Table of Allotments                                )  
FM Broadcast Stations                            )  
Galliano, Louisiana and                         )  
Buras/Triumph, Louisiana

RM \_\_\_\_\_

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

Callais Cablevision, Inc. ("Callais"), licensee of Station KBAU(FM), Galliano, Louisiana, through counsel and pursuant to the Commission's Rules, petitions for rulemaking to amend Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, to substitute Channel 232 C2 for Channel 232A at Galliano, Louisiana, and to modify Callais' license for KBAU accordingly. In support, Callais shows the following:

**I. CHANNEL 232 C2 IS AVAILABLE FOR  
SUBSTITUTION AT GALLIANO, LOUISIANA**

Callais' consulting engineers have determined that Channel 232 C2 is available for allotment to Galliano, Louisiana, in compliance with all of the Commission's mileage separation requirements if Channel 278A is substituted for vacant Channel 231A at Buras/Triumph, Louisiana. A supporting technical exhibit is attached as Exhibit 1.

To accommodate Channel 232 C2 at Galliano, Callais requests that the Commission migrate the Buras/Triumph allotment to Channel 278A.<sup>1</sup> As indicated by Exhibit 1, on Channel 278A, the FCC reference coordinates for Buras/Triumph meet the separation requirements of the FCC rules with respect to all allotments and assignments.

## **II. COMMISSION POLICIES FAVOR THE UPGRADE OF KBAU**

Callais proposes to allot Channel 232 C2 to Galliano as Galliano's first wide area FM broadcast station. The proposal would result in additional service to an estimated 120,000 persons, based on the 1990 Census. This proposal would not result in any loss of service or deprivation of local service from any community, but rather will provide additional service to Galliano and its surrounding area. Therefore, the proposal represents a more spectrally efficient arrangement of allotments.

The Commission must ensure the fair, efficient, and equitable use of the radio spectrum. 47 USC Section 307(b) (1992). With its expanded coverage area, KBAU could reach many more listeners and thereby provide a more efficient use of the spectrum. Public interest considerations, which favor the upgrade of existing stations, will be furthered by the proposed upgrade of KBAU to Channel 232 C2.

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<sup>1</sup> Channel 231A was allotted to Buras/Triumph as a result of Docket 84-231. The allotment has remained vacant since its initial allocation by the Commission.

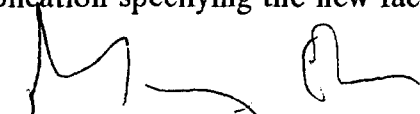
**III. CALLAIS WILL APPLY FOR AND CONSTRUCT A CLASS C2  
FACILITY AT GALLIANO, LOUISIANA IF THIS PROPOSAL IS GRANTED**

If this Petition for Rulemaking is granted, Callais will promptly file the necessary application to specify operation of on Channel 232 C2. If granted a construction permit, Callais will expeditiously construct and operate a Class C2 facility on Channel 232 C2.

**IV. CONCLUSION**

Callais has demonstrated that Channel 232 C2 is available for the upgrade of KBAU(FM), Galliano, Louisiana if the allocation to Buras/Triumph is migrated from Channel 231A to Channel 278A. This is consistent with the Commission's Rules favoring upgrade of existing stations. The proposed upgrade is therefore in the public interest.

In view of the above, Callais Cablevision, Inc. request that the Commission issue a Notice of Proposed Rulemaking proposing the Amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to substitute Channel 232 C2 for Channel 232A at Galliano, Louisiana, and Channel 278A for Channel 231A at Buras/Triumph, Louisiana. Callais further requests that the Commission issue an order modifying the license of KBAU(FM), Galliano, Louisiana, to reflect operation on Channel 232 C2 conditioned on Callais filing an appropriate application specifying the new facility.

  
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(504) 830-4646  
Attorneys for Callais Cablevision,  
Inc.

Dated: December 9, 1992



## **EXHIBIT 1**

TECHNICAL STATEMENT  
IN SUPPORT OF PETITION FOR RULE MAKING  
CALLAIS CABLEVISION, INC.  
RADIO STATION KBAU(FM)  
GALLIANO, LOUISIANA

This technical statement has been prepared on behalf of Callais Cablevision, Inc., licensee of radio station KBAU(FM), Galliano, Louisiana, in support of a petition for rule making. It is proposed that channel 232C2 be allotted to Galliano in lieu of channel 232C3. To accommodate channel 232C2 in Galliano, it is requested that the vacant allotment at Buras Triumph be migrated to channel 278A.

Galliano is a community of 5,159 based on the 1980 Census; and it is currently provided only one local service from KBAU(FM). It is proposed to allot channel 232C2 to Galliano as its first wide-area FM Broadcast service station.

As instructed by Section 73.208 of the Commission Rules, the coordinates for the proposed reference point for the Galliano allotment were taken from the Index to the National Atlas of the United States of America. As indicated in Figure 1, channel 232C2 may be allotted to Galliano in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules with respect to all other allotments and assignments with the exception of an allotment at Buras Triumph, Louisiana (channel 231A).

To accommodate channel 232C2 at Galliano, it is requested that the Commission migrate the Buras Triumph channel-231A allotment to channel 278A.<sup>1</sup> As indicated in Figure 2, on channel 278A the FCC reference coordinates for Buras Triumph meet the separation requirements of Section 73.207 of the FCC Rules with respect to all allotments and assignments.

The proposal will result in additional service to an estimated 120,000 persons.<sup>2</sup> The proposal will not result in any loss of service or deprivation of local service from any community. Therefore, the proposal represents a more spectrally efficient arrangement of allotments.

*Louis Robert du Treil, Jr.*  
Louis Robert du Treil, Jr.

December 1, 1992

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<sup>1</sup>Channel 231A was allotted to Buras Triumph as a result of Docket 84-231. The allotment has remained vacant since its initial allotment by the Commission.

<sup>2</sup>Assuming a maximum class C3 facility and a maximum class C2 facility at the reference coordinates, the class C3 facility will provide service to an estimated 60,000 persons and the class C2 facility will provide service to an estimated 180,000 persons. These figures are based on the 1990 Census.

Figure 1

TECHNICAL STATEMENT  
IN SUPPORT OF PETITION FOR RULE MAKING  
CALLAIS CABLEVISION, INC.  
RADIO STATION KBAU(FM)  
GALLIANO, LOUISIANA

Allocation Study for Channel 232C2 at Galliano

Reference Location: 29°26'00"N<sup>1</sup>  
90°17'54"W

<u>Allotment or Assignment</u>	<u>Separation (km)</u>	
	<u>Required</u>	<u>Actual</u>
Allot, Buras Triumph, LA, Ch 231A 29°17'29"N/89°30'07"W (To be migrated to Ch 278A; see Figure 2)	106	79
WXLT, McComb, MS, Ch 231C1 30°51'18"N/90°39'59"W	158	162
WXLT, Kentwood, LA, Ch 231C1 30°51'44"N/90°55'34"W FCC File No. BPH-911112IB	158	170
WWUB, Long Beach, MS, Ch 233A 30°22'25"N/89°06'38"W	106	155
KSMB, Lafayette, LA, Ch 233C 30°21'44"N/92°12'53"W	188	212
Allot, Reserve, LA, Ch 235C3 29°58'37"N/90°45'01"W	56	74
WADU-FM, Reserve, LA, Ch 235A 30°04'37"N/90°37'19"W	55	78

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<sup>1</sup>Taken from the Index to the National Atlas of the United States of America.

Figure 2

TECHNICAL STATEMENT  
IN SUPPORT OF PETITION FOR RULE MAKING  
CALLAIS CABLEVISION, INC.  
RADIO STATION KBAU(FM)  
GALLIANO, LOUISIANA

Allocation Study for Channel 278A at Buras Triumph

Reference Location: 29°17'29"N<sup>1</sup>  
89°30'07"W

<u>Allotment or Assignment</u>	<u>Separation (km)</u>	
	<u>Required</u>	<u>Actual</u>
KMEZ, Belle Chasse, LA, Ch 275C3 29°57'14"N/89°56'58"W	42	85
WOSM, Ocean Springs, MS, Ch 276C2 30°24'34"N/88°42'23"W	55	146
WKJN-FM, Hammond, LA, Ch 277C 30°24'06"N/90°50'43"W	165	179

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<sup>1</sup>FCC reference coordinates for Buras Triumph